

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

DOMINIQUE ZAFIR CASEY,

Plaintiff,

v.

HADDAD, et al.,

Defendants.

Case No. 1:21-cv-00855-KES-SKO (PC)

**ORDER GRANTING DEFENDANTS'
MOTION TO MODIFY DISCOVERY AND
SCHEDULING ORDER**

(Doc. 70)

Plaintiff Dominique Zafir Casey is a state prisoner proceeding pro se in this civil rights action brought pursuant to 42 U.S.C. § 1983. This action proceeds on Plaintiff's constitutional claims against Defendants Castro, Fernandez, and Haddad.

I. BACKGROUND

The Court issued its Discovery and Scheduling Order on September 18, 2024. (Doc. 60.) On February 13, 2025, Defendants filed a Motion to Modify Scheduling Order. (Doc. 62.) The following day, the Court extended the deadlines for the completion of discovery and the filing of dispositive motions. (Doc. 63.)

On March 20, 2025, Defendants filed a motion to compel Plaintiff to sit for a second deposition and to produce complete responses to Defendants' request for production of documents. (Doc. 64.) On April 22, 2025, the Court issued its Order Granting in Part and Denying in Part Defendants' Unopposed Motion to Compel and Request for Sanctions. (Doc. 66.)

1 Plaintiff was ordered to sit for a second deposition within 45 days, and to respond to request
2 numbers 5 and 6 of Defendants' first request for production of documents within 14 days. (*Id.* at
3 6.) The Court also extended the dispositive motion deadline to July 21, 2025. (*Id.*)

4 On June 4, 2025, Plaintiff filed a notice of change of address stating he had been released
5 from California State Prison, Los Angeles County, to a residential street address in Los Angeles,
6 California. (Doc. 67.)

7 On June 6, 2025, Defendants filed a second motion to compel and request for sanctions.
8 (Doc. 68.) Defendants allege Plaintiff failed to fully respond to their written discovery requests
9 and failed to fully cooperate at his second deposition. (*Id.*) The motion remains pending before
10 the undersigned.

11 On July 18, 2025, Defendants moved for a second modification of the scheduling order.
12 (Doc. 70.)

13 II. DISCUSSION

14 Pursuant to Rule 16(b) of the Federal Rules of Civil Procedure, a scheduling order "may
15 be modified only for good cause and with the judge's consent." Fed. R. Civ. P. 16(b)(4). This
16 good cause standard "primarily considers the diligence of the party seeking the amendment."
17 *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (9th Cir. 1992). The court may modify
18 the scheduling order "if it cannot reasonably be met despite the diligence of the party seeking the
19 extension." *Id.* If the party was not diligent, the inquiry should end. *Id.*

20 Defendants move to extend the current dispositive motion filing deadline of July 21, 2025,
21 by ninety days. Defendants contend that although this Court's order required Plaintiff to attend a
22 second deposition and to produce documents, Plaintiff's failure to do so necessitated the filing of
23 a motion to compel and request for terminating sanctions on June 6, 2025.¹ Defendants assert
24 good cause exists to extend the relevant deadline until after the Court rules on the motion and
25 allows for preparation of a dispositive motion.

26 Defendants have established good cause to extend the dispositive motion filing deadline to

27 ¹ Defendants' motion was deemed submitted when Plaintiff failed to file a timely opposition. The motion
28 will be decided in due course.

1 allow for resolution of their pending motion and preparation of a dispositive motion.

2 **III. CONCLUSION AND ORDER**

3 Accordingly, and for good cause shown, the Court **ORDERS** that:

- 4 1. Defendants' motion to modify the scheduling order (Doc. 70) is **GRANTED**; and
5 2. The Discovery and Scheduling Order is modified to extend the deadline for filing
6 dispositive motions from July 21, 2025, to **Monday, October 20, 2025**.

7
8 IT IS SO ORDERED.

9 Dated: **July 21, 2025**

/s/ Sheila K. Oberto
UNITED STATES MAGISTRATE JUDGE